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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,740	05/14/1999	DOUGLAS F. BEAVEN	108473.114	2986
25247	7590	07/19/2005	EXAMINER	
GORDON E NELSON PATENT ATTORNEY, PC 57 CENTRAL ST PO BOX 782 ROWLEY, MA 01969			HECK, MICHAEL C	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 07/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/312,740	BEAVEN, DOUGLAS F.
	<b>Examiner</b> Michael C. Heck	<b>Art Unit</b> 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 March 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 187-210 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 187-191 and 198-206 is/are rejected.

7) Claim(s) 192-197 and 207-210 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) All    b) Some \* c) None of:  
         1. Certified copies of the priority documents have been received.  
         2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. This Final Office Action is responsive to applicant's amendment filed 01 March 2005. Applicant amended claim 187. Currently, claims 187-210 are pending.

#### ***Response to Amendment***

2. The 35 USC 112 second paragraph rejection in the last Office Action for claim 187 for indefiniteness is **not** withdrawn in response to the applicant's argument.
3. The 35 USC 112 second paragraph rejection in the last Office Action for claim 187 for insufficient antecedent is withdrawn in response to the applicant's amendment to the specification.

#### ***Response to Arguments***

4. Applicant's argument filed 01 March 2005 concerning the 35 USC 112 second paragraph rejection in the last Office Action for claim 187 for indefiniteness has been fully considered but it is not persuasive. Applicant defined "to perceive" per Webster's New Collegiate Dictionary as 1) to attain awareness or understanding of; and 2) to become aware of through the senses, and asserts that "to view" (as used by the Examiner) is included. The applicant further asserts "to perceive" is broader, since it includes the use of other means of perception such as touch or sound in the user interface.

In response, the applicant did not address the first part of the definition where "to perceive" is to attain awareness or understanding of. That is, to attain awareness or

understanding of is a variable and as such is indefinite. The claim does not establish a means to determine an acceptable level of awareness or understanding. The Examiner notes that claim 192 also uses the term "to perceive", therefore has the same indefiniteness problem.

5. Applicant's arguments filed 1 March 2005 concerning the 35 U.S.C. 103 rejections for claims 187 and have been fully considered but they are not persuasive. As to Claim 187, the Applicant asserts that Board et al. (Board et al., High-end Project Managers, InfoWorld, 1 February 1993, p.61-69 [PROQUEST]) in combination with Zimmerman (Zimmerman, Software Review-Open Plan 5.0 Upgrade, Cost Engineering, Vol. 13, Issue 12, December 1993, p.11 [PROQUEST]) does not teach the claim limitation of: "the representations of model entities belonging to hierarchies including a hierarchy and/or another hierarchy". Specifically, the Applicant asserts that Zimmerman does not set forth or imply that an Open Plan "activity", "code", or "resource" that belongs to a hierarchy can simultaneously belong to another hierarchy, which is what the cited limitation in the Applicant's claim requires.

In response, Board et al. teach Open Plan's flexible coding structure breaks down project cost by either a work breakdown structure (WBS) or organizational breakdown structure (OBS) (p. 62, col. 2). Board et al. is reviewing Open Plan Version 4.0. Zimmerman however is evaluating the 5.0 upgrades and teaches codes to be "work breakdown structures and organizational breakdown structures" (Para 4). In full context, Zimmerman teaches that Open plan now supports hierarchical structures for activities, codes (work breakdown structures and organizational breakdown structures)

and resources. One of ordinary skill in the art would know that a work breakdown structure (WBS) and an organizational breakdown structure are two separate but related hierarchical structures where the WBS is used for project or program information and the OBS is used for functional information as it relates to the project or program. Therefore, the claim limitation of "the representations of model entities belonging to hierarchies including a hierarchy and/or another hierarchy" is taught by the combination of Board et al. and Zimmerman.

As to claim 188, the Applicant asserts Board et al. does not imply that "model entities" may be sorted by "hierarchy membership".

In response, the claim rejection also included the teachings of Zimmerman. Specifically and as indicated in the rejection, Zimmerman teaches Open plan now supports hierarchical structures for activities, codes (work breakdown structures and organizational breakdown structures) and resources (Para 4). Zimmerman further teaches that this enhancement provides data at an appropriate level of detail for each level of management (Para 4). Zimmerman in combination with Board et al. strongly suggest sort and selection options to present projects in detail include hierarchical structures for activities, codes (work breakdown structure and organizational breakdown structure) and resources, therefore teaches the limitation of claim 188.

6. Applicant's arguments, see p. 9, filed 01 March 2005, with respect to claims 192-196 have been fully considered and are persuasive. The 35 U.S.C. 103 rejections of claims 192-196 have been withdrawn.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 187-191 and 198-206** are rejected under 35 U.S.C. 103(a) as being unpatentable over Board et al. (Board et al., High-end Project Managers, InfoWorld, 1 February 1993, p.61-69 [PROQUEST]) in view of Zimmerman (Zimmerman, Software Review-Open Plan 5.0 Upgrade, Cost Engineering, Vol. 13, Issue 12, December 1993, p.11 [PROQUEST]). The examiner notes that one of the authors of Board et al. is Mike Heck and is not the same as this examiner. Board et al. disclose processing management information comprising:

- [Claim 187] a processor which has access to a representation of a model of the business, the model including representations of model entities (p. 59, col. 1-3, and p.63, col. 1, Board et al. teach that there has been a major shift in project management over the past few years as more companies deploy planning software throughout their organizations. Most of these applications are built on an industry-standard database, such as XBase (dBase), SQL Base, or Oracle. Primavera Project Planner is best known for managing large engineering and constructions jobs. Tables contain only the data items needed to build a project network. Inherently, a computer with a processor is used to run the software and has access to the databases.).
- an interface to the system for the persons, the interface being provided by the processor and the interface permitting a person to perceive and modify the model entities and the hierarchies and to perceive and modify the information to which the model entities provide access (p.60, col. 3-4, p.63, col. 1, and p.67, col. 1, Board et al. teach better interfaces let you place software in the hands of those who actually are responsible for day-to-day project management. Spreadsheet-style menus make it easy to record basic activity data in a general form then switch to additional windows when adding details,

such as budget or resource information. For editing, Penguin is the best choice. Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.).

Board et al. fail to teach the representations of model entities belonging to hierarchies including a hierarchy and/or another hierarchy, and the representations of model entities providing access to information relating to the business. Board et al. does teach Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form and Open Plan provides scheduling and resource distribution information using Gantt charts and histograms (p. 66, col. 2, and p.67, col. 1). Zimmerman teaches Open Plan now supports hierarchical structures for activities, codes (work breakdown structure and organizational breakdown structure) and resources (Para 4). It would have been obvious to one of ordinary skill in the art to include the Hierarchical structures of Zimmerman with the teachings of Board et al. since Board et al. teach Open Plan 4.0. Updating software to get the latest technological advances help companies out that need them. Board et al. conduct product comparisons to include Open Plan 4.0. Zimmerman performs a software review of Open Plan 5.0 upgrade. Therefore, as companies review these reports they can make a decision as to whether or not to upgrade their software to give them the features they need.

- [Claim 188] the system further permits a person to sort model entities according to the entities' hierarchy membership (Board et al.: p.66, Col 2, Board et al. teach sort and selection options make it easy to present projects in detail. Zimmerman, Para 4, Zimmerman teaches Open Plan now supports hierarchical structures for activities, codes (work breakdown structure and organizational breakdown structure) and resources.).

Art Unit: 3623

- [Claim 189] a representation of a model entity includes representations of the information (Board et al.: p.67, col. 1, Board et al. teach Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.)
- [Claim 190] the interface further permits a person to sort the model entities according to values of the included representations of the information (Board et al.: p.63, col. 1, and p.67, col. 1, Board et al. teach P3 lets you establish financial codes for tracking costs at different levels of detail. P3 gives you 75 basic reports that you can modify by selecting sort order and filtering criteria.).
- [Claim 191] there is a plurality of types of model entities (Board et al.: p.63, col. 1, Board et al. teach Primavera Project Planner lets you ties subprojects together by defining relationships across projects.);
- a representation of a model entity specifies the represented model entity's type (Board et al.: p.67, col. 1, Board et al. teach project planner lets you expand the database with up to eight custom fields for tracking items such as engineering drawing number, WBS levels, or purchase order numbers. Eight custom resource fields can accommodate expanded resource names.); and
- the interface permits the person to perceive the type of a model entity (Board et al.: p.63, col. 1 and p.67, col. 1, Board et al. teach Primavera Project Planner lets you tie subprojects together by defining relationships across projects. Primavera's graphical interface, Penguin, displays a PERT chart with a superimposed data entry form.).

**Claims 198-206** substantially recite the same limitations as that of claims 187-191 with the distinction of the recited system being a method. Hence the same rejection for claims 187-191 as applied above applies to claims 198-206.

#### ***Allowable Subject Matter***

9. **Claims 192-197 and 207-210** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael C. Heck whose telephone number is (571) 272-6730. The Examiner can normally be reached Monday thru Friday between the hours of 8:30am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 273-6729.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Or faxed to:

**(571) 273-8300** [Official communications; including After Final communications labeled "**Box AF**"]

**(571) 273-6730** [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

*MCH*  
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13 July 2005



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